

# INTERNATIONAL SEARCH REPORT

Rec'd PCT/PTO 11 MAR 2005

PCT/CA

1343

10/527686

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/138 A61K31/704 A61K31/337 A61K31/137 A61P35/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	WO 03 039526 A (UNIV MANITOBA ;BRANDES LORNE J (CA); VINCENT MARK (CA)) 15 May 2003 (2003-05-15) * claims *	1-21
P,X	WO 03 037318 A (VINCENT MARK) 8 May 2003 (2003-05-08) claims 1,5,8,10,11,13	1-11,19
Y	US 5 618 846 A (BRANDES LORNE J) 8 April 1997 (1997-04-08) examples I,IX	1-16,20, 21

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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### ° Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

4 February 2004

Date of mailing of the international search report

13/02/2004

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 1343

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	BRANDES L J ET AL: "High complete and overall response rates of metastatic breast cancer to N,N-diethyl-2-(4-phenylmethyl)phenoxy) ethanamine. HCL (DPPE) combined with doxorubicin (DOX)" BREAST CANCER RESEARCH AND TREATMENT, vol. 46, no. 1, October 1997 (1997-10), page 60 XP008027041 20th Annual San Antonio Breast Cancer Symposium; San Antonio, Texas, USA; December 3-6, 1997 ISSN: 0167-6806 * abstract *	1-7, 11-16, 20,21
X	--- KHOO K ET AL: "PHASE II TRIAL OF N,N-DIETHYL-2-'4-(PHENYLMETHYL)PHENOXY!ETHANAMINE. HCL AND DOXORUBICIN CHEMOTHERAPY IN METASTATIC BREAST CANCER: A NATIONAL CANCER INSTITUTE OF CANADA CLINICAL TRIALS GROUP STUDY" JOURNAL OF CLINICAL ONCOLOGY, PHILADELPHIA, PA, US, vol. 17, no. 11, November 1999 (1999-11), pages 3431-3437, XP001145566 * page 3431, right-hand column, Conclusion * * page 3435, left-hand column, Discussion *	1-7, 10-16, 20,21
X	--- BRANDES L J ET AL: "THE INTRACELLULAR HISTAMINE ANTAGONIST, N,N-DIETHYL-2-'4-(PHENYLMETHYL) -PHENOXY!ETHANAMINE. HCL, MAY POTENTIATE DOXORUBICIN IN THE TREATMENT OF METASTATIC BREAST CANCER: RESULTS OF A PILOT STUDY" BREAST CANCER RESEARCH AND TREATMENT, NIJHOFF, BOSTON, US, vol. 49, no. 1, May 1998 (1998-05), pages 61-68, XP009005592 ISSN: 0167-6806 * page 61, Summary *	1-7, 10-16, 20,21
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# INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 0 343

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>BRANDES LORNE J ET AL: "Results of a human pilot study testing the hypothesis that the intracellular histamine antagonist DPPE increases the therapeutic index of doxorubicin" 446),  1993, pages 375-401, XP008027042  1993 Pergamon Press Ltd, Headington Hill Hall, Oxford OX3 0BW, England; Oxford University Press, Inc., 200 Madison Avenue, New York, New York 10016, USA  Series: Advances in the Biosciences (ISSN 0065-3446)  ISBN: 0-08-042202-0  * page 377, Clinical trial protocol *  * page 379, Doxorubicin/DPPE administration *  * page 400, Tumor response *</p>	<p>1-8,  10-13,  15,17,  18,20</p>
X	<p>ANONYMOUS: "Annual information form" INTERNET ARTICLE, 'Online!  30 June 2001 (2001-06-30), pages 1-18, XP002234229  Retrieved from the Internet:  &lt;URL:http://www.sedar.com/csfsprod%2Fdata28%2Ffilings%2F00415785%2F00000001%2Fs:%5CGi&gt; 'retrieved on 2003-03-11!</p>	<p>1-3,5,6</p>
Y	<p>page 10, paragraph 3</p>	<p>1-16,20,  21</p>

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/CA 03/01343

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 1 - 21 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition.
2. ☒ Claims Nos.: -  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box I.2

Present claims 1 - 4, 7, 8, 11, 12, 15 and 17 - 21 relate to a compound defined by reference to a desirable characteristic or property, namely "chemotherapeutic agent active in breast cancer".

The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to doxorubicin, epirubicin, Taxol and Taxotere.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 03039526	A	15-05-2003	WO 03039526 A1	15-05-2003
WO 03037318	A	08-05-2003	WO 03037318 A1	08-05-2003
US 5618846	A	08-04-1997	US 5798339 A	25-08-1998
			AU 1480497 A	15-05-1997
			AU 4881099 A	11-11-1999
			AU 693780 B2	09-07-1998
			AU 6035294 A	14-09-1994
			CA 2156162 A1	01-09-1994
			WO 9418961 A1	01-09-1994
			EP 0684817 A1	06-12-1995
			JP 10182490 A	07-07-1998
			JP 2834328 B2	09-12-1998
			JP 8506593 T	16-07-1996
			US 5747543 A	05-05-1998
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			AU 664978 B2	14-12-1995
			AU 9058391 A	22-07-1992
			CA 2098593 A1	18-06-1992
			WO 9211035 A1	09-07-1992
			DE 69103908 D1	13-10-1994
			DE 69103908 T2	05-01-1995
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			EP 0563127 A1	06-10-1993
			ES 2063574 T3	01-01-1995
			JP 2706371 B2	28-01-1998
			JP 6505710 T	30-06-1994